Written Statement of

Kenneth P. Moran
Director, Office of Homeland Security
Enforcement Bureau
Federal Communications Commission

Hearing on
"State of Interoperable Communications:
Perspectives of Federal Agencies"

Before the
Committee on Homeland Security
Subcommittee on Emergency Preparedness, Science, and Technology
U. S. House of Representatives

April 25, 2006

Good morning, Mr. Chairman and distinguished members of the Subcommittee. My name is Ken Moran and I serve as the Director of the Federal Communications Commission's Office of Homeland Security in the Commission's Enforcement Bureau. In that role, I am primarily responsible for the national security, homeland security, and emergency preparedness responsibilities of the Commission.

The Commission's strategic goal for homeland security is to provide leadership in evaluating and strengthening the nation's communications infrastructure, in ensuring rapid restoration of that infrastructure in the event of disruption, and in ensuring that essential public health and safety personnel have effective communications services available to them at all times, and particularly in the event of an emergency. Interoperability is an essential aspect of ensuring effective communications. First responders must have the ability to communicate seamlessly, especially during a disaster.

In my testimony today, I will provide an update of the Commission's recent activities in the area of interoperable communications and emergency communications preparedness. Since I last appeared before the Subcommittee in October, the Commission has:

- Submitted a Report to the Congress, pursuant to the Intelligence Reform and Terrorism Act, regarding the development of an interoperable nationwide network and on the use of commercial wireless technologies for public safety communications;
- Continued the transition of commercial wireless and public safety services within the 800 MHz spectrum;
- Initiated a rulemaking proceeding to examine allocation of the 24 MHz spectrum that will be available for public safety communications when the DTV transition is completed;
- Issued rules extending the reach of the emergency alert system to include digital broadcast and cable TV, digital audio broadcasting, satellite radio, and direct broadcast satellite services;
- Solicited comments on how the Commission can best help develop a next-generation alert and warning system that takes full advantage of digital media's potential;
- Established a federal advisory committee, known as the Katrina Panel on Communications Networks, that is developing recommendations for improved emergency preparedness and response for future disasters; and
- Proposed the establishment of a new bureau, the Public Safety and Homeland Security Bureau, which will be the unified entity for carrying out the Commission's public safety, homeland security, national security, and emergency communications responsibilities.

Briefly, I will provide detail on each of these activities:

Report to Congress

Pursuant to the Intelligence Reform and Terrorism Act, Congress asked the Commission, in consultation with DHS and NTIA, to undertake a study and prepare a report assessing the short-term and long-term spectrum needs of emergency response providers. The Commission conducted the assessment and submitted the report to Congress in December, 2005. The report addressed not only the questions posed by Congress, but also considered the many thoughtful proposals submitted in the record for addressing the spectrum needs of traditional public safety entities and other critical emergency response providers, as well as some lessons learned from the impact of hurricanes Katrina, Rita, and Wilma on our nation's communications infrastructure. The report reached the following principal findings:

- Emergency response providers would benefit from the development of an integrated, interoperable nationwide network capable of delivering broadband services throughout the country.
- While commercial wireless technologies are not appropriate for every type of public safety communication, there is a place for commercial providers to assist public safety in securing and protecting the homeland.
- While the effort to address the short-term spectrum needs of public safety is underway, attaining a wholesale assessment of long-term spectrum needs is an ongoing task.
- Mobile, broadband communications, implemented in combination with upgraded equipment, associated training and close coordination, could offer emergency response providers many important capabilities. To this end, and at the urging of public safety community, the Commission will expeditiously examine whether certain channels within the current allocation of twenty-four megahertz of public safety spectrum in the 700 MHz band could be modified to accommodate broadband communications.

800 MHz

As you are aware, the public safety community has experienced interference problems in the 800 MHz band. In 2004, the Commission provided a two-pronged solution to the problem. First, the Commission adopted a plan to reconfigure the 800 MHz band to separate public safety and critical infrastructure industry entities from commercial wireless carriers, such as Nextel. Second, the Commission adopted a specific technical standard regarding what constitutes unacceptable interference to public safety and critical infrastructure providers. The Commission will hold commercial carriers strictly responsible for complying with this standard.

Reconfiguration of the 800 MHz band is taking place on a region-by-region basis based upon the 55 National Public Safety Planning Advisor Committee (NPSPAC) regions. Each of the 55 NPSPAC regions is assigned to one of four staggered "prioritization" waves. Band

reconfiguration for non-NPSPAC channels began last year. In February, band reconfiguration for NPSPAC channels began.

The reconfiguration will alleviate the interference problems that public safety communications systems have faced in the 800 MHz band from commercial wireless systems. Moreover, an average of 4.5 megahertz of additional spectrum in the 800 MHz band will be made available for public safety communications systems.

700 MHz

In light of the findings set forth in the Report to Congress, last month the Commission started a rulemaking proceeding to examine the operational, technical, and spectrum requirements for meeting federal, state and local public safety communication needs through the year 2010. The Commission believes that mobile broadband communications can offer public safety many important capabilities, including delivery of real-time video, images, automated dispatch, multi-media alerts and real-time monitoring. Accordingly, accommodating public safety's need for mobile, broadband communications may be critical in the long-term. Certain public safety entities have identified the 700 MHz band as a potential home for broadband operations. At the urging of the public safety community, and in recognition of the need for spectrum appropriate for broadband communications, the notice seeks comment on whether certain channels within the current twenty-four megahertz of public safety spectrum in the 700 MHz public safety band (764-776 MHz and 794-806 MHz), should be modified to accommodate broadband communications. The Commission is using this proceeding to implement many of the recommendations of the National Coordination Committee (chartered by the Commission to formulate standards for interoperable voice and data systems in the recently-allocated 700 MHz public safety band), which are designed to ensure total, mandatory voice interoperability between all radios used in the 700 MHz band.

Emergency Alert System (EAS)

On November 3, 2005, the Commission adopted rules requiring providers of digital broadcast and cable TV, digital audio broadcasting, satellite radio, and direct broadcast satellite services to participate in the Commission's EAS program. With the exception of DBS service, all affected entities must comply with these new requirements by December 31, 2006. DBS services must comply no later than May 31, 2007.

Also on November 3, the Commission initiated a rulemaking seeking comment on how the Commission can expedite the development of a next-generation alert and warning system that takes full advantage of digital media's potential. Questions included what type of architecture would support a next-generation system and what common protocols would be required to allow an alert to be delivered simultaneously to multiple platforms such as radios, televisions and wireless devices. The Commission also asked how it could facilitate the effective integration of wireless technologies into a next generation alert and warning system, and whether traditional telephone companies that plan to provide high definition digital content to customers'

homes should have public alert and warning responsibilities. In addition, the Commission asked how a next generation EAS can more effectively reach individuals with hearing and vision disabilities and non-English speaking individuals. Finally, the Commission sought comment on how the Commission should coordinate its efforts with FEMA and how, if at all, the participation of state and local authorities in the EAS system should be changed. The record in this proceeding closed on February 23, 2006.

Katrina Panel

In January, the Commission established the Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks (Katrina Panel) pursuant to the Federal Advisory Committee Act. Specifically, the Katrina Panel is: studying the impact of Hurricane Katrina on all sectors of the telecommunications and media industries, including public safety communications; reviewing the sufficiency and effectiveness of the recovery effort with respect to the infrastructure; and making recommendations regarding ways to improve disaster preparedness, network reliability, and communication among first responders.

The Panel's membership includes several representatives from the public safety sector, including law enforcement, fire fighters, and emergency medical services. Also serving on the Panel are representatives from all segments of the communications industry including the wireline, wireless, satellite, broadcast, and cable industries. The Panel established three working groups: (1) Infrastructure Resiliency; (2) Recovery Procedures and Coordination; and (3) Emergency Communications. Thus far, it has held three meetings. The Panel has heard testimony about the impact of Hurricane Katrina from representatives of public safety agencies, telecommunications carriers, broadcasters, satellite radio service providers, equipment manufacturers, consultants and consumer organizations. In addition it has seen presentations from federal officials and Panel members regarding emergency communications problems and solutions.

The Panel will report its findings and recommendations to the Commission by June 15, 2006. The Commission looks forward to the Panel's report and plans to carefully consider all of its recommendations.

Reorganization

On March 17, 2006, the Commission unanimously voted to create a new Public Safety and Homeland Security Bureau. The action is subject to Congressional notification. The Commission proposes to take functions currently residing in seven separate Bureaus and Offices at the Commission and consolidate them into one Bureau.

This Bureau will provide a single central hub for the development of policies and rules to promote reliable communications for public safety, national security, and disaster management. The Bureau will be tasked to expend all of its resources to make sure that the Commission does its part to support reliable emergency communications and address the needs of first responders,

law enforcement, and emergency response personnel.

The new Bureau will be organized along three functional lines: Policy, Public Communications Outreach & Operations, and Communications Systems Analysis. It will be responsible for all Commission policy, outreach, and operations with respect to public safety communications, including 911 and Enhanced 911 (E911) requirements, Public Safety Answering Points (PSAPs), operability and interoperability of public safety communications, and matters falling under the Communications Assistance for Law Enforcement Act (known as CALEA). Setting the requirements for priority emergency communications, such as the Telecommunications Service Priority (TSP) and Wireless Priority Service programs that the National Communications System (NCS) administers, along with the national Emergency Alert System (EAS), network security and reliability, and communications infrastructure protection will also be a responsibility of the new Bureau. In addition, the new Bureau's Policy Division will handle the licensing of spectrum for public safety entities, a task that currently resides in the Commission's Wireless Telecommunications Bureau.

The Commission's other public safety and homeland security responsibilities will also fall within the new Bureau's jurisdiction. These responsibilities include Continuity of Government Operations (COG); Continuity of Operations (COOP); the Commission's 24 hour a day, 7 day a week Communications and Crisis Management Center; disaster management coordination and outreach; Federal Advisory Committee coordination (*e.g.*, Media Security and Reliability Council (MSRC) and the Network Reliability and Interoperability Council (NRIC)); and industry information collection and attendant analytical activities.

By creating a unified structure to oversee and respond to public safety and homeland security matters, the Commission seeks to improve its operating efficiency and effectiveness in areas it deems of highest priority. In addition, the new structure will enable the Commission to better coordinate its national security, homeland security, public safety, and emergency communications roles with its federal partners as well as with state, tribal, and local governments, and industry.

Other Activities

In addition to the activities described above, the Commission continues to work closely with federal agencies and national public safety organizations, including:

- DHS/SAFECOM/FCC-WTB Interoperability Working Group
- SAFECOM Executive Committee and Advisory Committee Working Groups
- NTIA Ad Hoc 214 Working Group (a committee established by the Interdepartmental Radio Advisory Committee (IRAC) with responsibility for, among other things, reducing regulatory barriers to better facilitate interoperability between federal agencies and their state and local counterparts)
- Public Safety Regional Planning Colloquiums
- National Public Safety Telecommunications Council

Conclusion

The importance of effective public safety communications cannot be over-stated, especially during disasters, when the American public is most vulnerable. The Commission is committed to working with its federal, state, tribal and local partners, and with the Congress to ensure these communications systems are as reliable as possible, are fully interoperable, and that effective emergency plans and assets are at the ready to quickly restore these services if they ever fail. I would be pleased to respond to your questions.